APPENDIX.

STATUTES AND RULES INVOLVED.

I.

TITLE 46, SECTION 36, CODE OF ALABAMA, 1940.

§ 36. (6236) **Rights of accused member.** Any member of the bar complained of shall have notice and opportunity to defend by the introduction of evidence and the examination of witnesses called against him, and the right to be represented by counsel. He shall also have the right to require the secretary to summon witnesses to appear and testify or produce books, papers, documents or other writings necessary or material to his defense in like manner as above provided.

II.

RULE 3, SECTION B, RULES OF THE ALABAMA SUPREME COURT GOVERNING THE CONDUCT OF ATTORNEYS IN ALABAMA.

3. **Contents of Complaint.** It shall be sufficient for any complaint against any attorney to charge in writing that such an attorney has violated or failed to comply with one or more of the rules, referring to such rule or rules by the numbers hereinbefore set forth, and such specification of the conduct complained of as will fairly and reasonably give the accused reasonable information of the acts or offenses complained of.

III.

RULE 6, SECTION B, RULES OF THE ALABAMA SUPREME COURT GOVERNING THE CONDUCT OF ATTORNEYS IN ALABAMA.

6. **Filing and Service of Complaint.** One copy of such complaint shall be filed with the Secretary and one copy thereof shall be served upon the accused attorney in person within a reasonable time after the filing thereof, and proof of such service shall be promptly filed with the Secretary . . .

IV.

RULE 10, SECTION B, RULES OF THE ALABAMA SUPREME COURT GOVERNING THE CONDUCT OF ATTORNEYS IN ALABAMA.

10. **Defendant's Plea.** Within twenty days from the service of such complaint upon such attorney, the accused attorney shall file in the office of the Secretary his written plea or pleas. If no plea be filed within the said time, the Board shall proceed as if a plea of the general issue had been filed.

V.

RULE 12, SECTION B, RULES OF THE ALABAMA SUPREME COURT GOVERNING THE CONDUCT OF ATTORNEYS IN ALABAMA.

12. **President's Order Fixing Date, and by Whom Testimony Taken.** The evidence may be taken either (a) by the Grievance Committee of the Board, or (b) by a Commissioner designated by the President, or (c) by the Board, and the President shall determine whether the evidence shall be taken by the Grievance Committee of the Board or by a Commissioner or by the Board. The

President shall thereupon make and cause to be filed with the Secretary an order fixing a date for taking the evidence upon the said complaint.

VI.

RULE 13, SECTION B, RULES OF THE ALABAMA SUPREME COURT GOVERNING THE CONDUCT OF ATTORNEYS IN ALABAMA.

13. **Notice by Secretary of Date Set for Hearing.** The Secretary shall give notice of the date so fixed to the accused attorney and to the Proctor of the Alabama State Bar by registered mail, which notice shall be given at least five (5) days prior to the date so fixed.

VII.

RULE 19, SECTION B, RULES OF THE ALABAMA SUPREME COURT GOVERNING THE CONDUCT OF ATTORNEYS IN ALABAMA.

19. **Summoning Witnesses: Production of Papers.** Witnesses may be summoned by the Board, its President, its Secretary, any Grievance Committee, any Chairman of a Grievance Committee, or by the Commissioner, their appearance and testimony required, the oath administered, depositions taken, and the production of books, papers and other documents required in all respects as provided by law.